45. (New) The apparatus of claim 44, wherein a surface area of the center region of the lens is equal to a surface area of the boundary region of the lens.

REMARKS

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing amendment, claims 1-16 and 22-45 are pending in the application, with claims 1, 7, 22, 27, 34, 39, 40, 41 and 44 being the independent claims. On behalf of the Applicants, the undersigned wishes to express appreciation to the Examiner for the courtesies extended during the personal interview conducted on August 27, 2002.

Based on the above amendment and the following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and they be withdrawn.

Claim Rejections under 35 U.S.C. 102(e)

Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by the "Photographs of Sunglass," pages 1-29. The Applicant has amended claims 1, 7, 22, 27, 34 and 39. Accordingly, Applicant submits that claims 1, 7, 22, 27, 34 and 39 are allowable, and their dependent claims are likewise allowable for the reasons discussed below.

Independent claims 1 and 34, and their dependent claims

The present invention, as recited by independent claim 1, includes a face, a lens and a temple. A center region of the lens has "its own surface area one half of the surface area of the outer side of the lens" and is "centered around the center point." In addition, "at least a portion of the center region" is "disposed between at least a portion of the inner side of the lens and at least a portion of the temple while in the folded configuration." For example, Figure 5 shows central regions 141 and 151; Figure 9 shows central regions 241 and 251; and Figure 13 shows central regions 341 and 351.

The cited **Photographs of sunglasses**, however, fail to disclose such a configuration. The cited **Photographs of sunglasses** show four eyeglass products: Briko models (1) Zen, (2) Shot 2, (3) Radar, and (4) Echoes. Three of these products each have

a temple located behind the inner side of the face (towards a wearer) while in the folded configuration: Shot 2 (shown in folded configuration on page 19), Radar (shown in folded configuration on page 14) and Echoes (shown in folded configuration on page 4). The remaining product, Zen, has a temple located on the underside of the face while in the folded configuration (shown from the front side of the face in the folded configuration on page 23). As discussed in the Examiner Interview, the temple of the Zen product cannot be disposed so that "at least a portion of the center region" is "disposed between at least a portion of the inner side of the lens and at least a portion of the temple while in the folded configuration." Thus, the cited **Photographs of sunglasses** fail to disclose the "at least a portion of the center region being disposed between at least a portion of the inner side of the lens and at least a portion of the temple while in the folded configuration."

Thus, the invention as recited by independent claim 1 and its dependent claims is not disclosed in or suggested by the cited **Photographs of sunglasses**.

The present invention, as recited by independent claim 34, includes positioning a temple so that "at least a portion of an interior portion of the outer side of the lens" is "disposed between at least a portion of the inner side of the lens and at least a portion of the temple while in the folded configuration." The interior portion of the lens has "its own surface area one half of the surface area of the outer side of the lens." The interior portion is "centered around the center point" of the lens.

As discussed above, the cited **Photographs of sunglasses** fail to disclose positioning the temple so that "at least a portion of the interior region being disposed between at least a portion of the inner side of the lens and at least a portion of the temple while in the folded configuration." Thus, the invention as recited by independent claim 34 and its dependent claims is not disclosed in or suggested by the cited **Photographs of sunglasses**.

Independent claims 7 and 30, and their dependent claims

The present invention, as recited by independent claim 7, includes a first temple defining an inner surface and a face having an outer edge. The first temple is movable so that the inner surface of the first temple portion can move "over the outer edge of the face without obstruction." For example, compare Figure 1 where the glasses are in an unfolded

configuration to Figure 5 where the glasses are in a folded configuration and the temple has been moved over the outer edge of the face without obstruction.

The cited **Photographs of sunglasses**, however, fail to disclose such a configuration. The cited **Photographs of sunglasses** show four eyeglass products: Briko models (1) Zen, (2) Shot 2, (3) Radar, and (4) Echoes. Three of these products each have a temple located behind the inner side of the face (towards the wearer) while in the folded configuration: Shot 2 (shown in folded configuration on page 19), Radar (shown in folded configuration on page 14) and Echoes (shown in folded configuration on page 4). The remaining product, Zen, has a temple located on the underside of the face while in the folded configuration (shown from the front side of the face in the folded configuration on page 23). As discussed in the Examiner Interview, the face of the Zen product obstructs the movement of the temple thereby limiting its range of movement to the position shown on page 23 while in the folded configuration. Thus, the cited **Photographs of sunglasses** fail to disclose a temple portion that can move "over the outer edge of the face without obstruction."

Thus, the invention as recited by independent claim 7 and its dependent claims is not disclosed in or suggested by the cited **Photographs of sunglasses**.

The present invention, as recited by independent claim 30, includes pivoting a temple "over the outer edge of the face without obstruction." As discussed above, the cited **Photographs of sunglasses** fail to disclose a temple portion that can be pivoted "over the outer edge of the face without obstruction." Thus, the invention as recited by independent claim 30 and its dependent claims is not disclosed in or suggested by the cited **Photographs of sunglasses**.

Independent claim 22 and its dependent claims

The present invention, as recited by independent claim 22, includes a temple and a face having an elevated structure disposed on the outer surface of the face. The temple in the folded configuration is "removably retained by the elevated structure."

As discussed in the Examiner Interview, the cited **Photographs of sunglasses** fail to disclose an elevated structure on the outer surface of the face. The amendment to claim 22 was made to clarify that the temple is retained by the elevated structure, but not for

reasons related to patentability. Thus, the invention, as recited by independent claim 22 and its dependent claims, is in condition for allowance.

Independent claim 27 and its dependent claims

The present invention, as recited by independent claim 27, includes a face, a temple and a tension member coupled to the temple and the face. The tension member is "configured to bias the temple relative to the face" while in either the folded configuration or the unfolded configuration.

As discussed in the Examiner Interview, the cited **Photographs of sunglasses** fail to disclose a tension member coupled to the temple and the face. The amendment to claim 27 was made to clarify how the tension member is biased relative to the temple, but not for reasons related to patentability. Thus, the invention, as recited by independent claim 27 and its dependent claims, is in condition for allowance.

Independent claim 39

The present invention, as recited by independent claim 39, includes sliding a temple through the end portion of the face, and positioning the temple "so that the outer side of the lens is disposed between the inner side of the lens and the temple while in the folded configuration." As discussed in the Examiner Interview, the cited **Photographs of sunglasses** fail to disclose sliding a temple through the end portion of the face and positioning the temple "so that the outer side of the lens is disposed between the inner side of the lens and the temple while in the folded configuration."

Thus, the invention as recited by independent claim 39 is not disclosed in or suggested by the cited **Photographs of sunglasses**.

CONCLUSION

The rejection has been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider the presently outstanding rejection and that it be withdrawn. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that

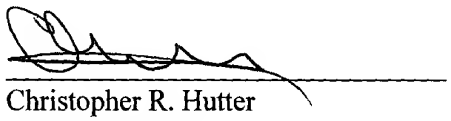
further personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

Dated: December 11, 2002

Respectfully submitted,
COOLEY GODWARD LLP

By: 

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Enclosure: Appendix indicating Amendments

APPENDIX

1. (Amended) An apparatus, comprising:

a face having an arcuate portion and a first end portion;

a lens disposed within the face, the lens having an inner side and an outer side[, the lens having a center portion]; and

a temple having an arcuate portion, the temple being coupled to the first end portion of the face, the temple being movable between a folded configuration and an unfolded configuration,

[the temple in the folded configuration being substantially adjacent to the outer side of the lens and substantially located at the center portion of the lens] the outer side of the lens having its own surface area, a center region and a center point, the center region having its own surface area one half of the surface area of the outer side of the lens and being centered around the center point, at least a portion of the center region being disposed between at least a portion of the inner side of the lens and at least a portion of the temple while in the folded configuration.

2. (Unchanged) The apparatus of claim 1, wherein:

the temple is pivotably coupled to the first end portion of the face for rotation about a pivot axis, the pivot axis is substantially normal to a centerline of the face portion adjacent to the pivot axis.

3. (Unchanged) The apparatus of claim 1, wherein:

the temple is slidably coupled to the first end portion of the face.

4. (Unchanged) The apparatus of claim 1, wherein:

the arcuate portion of the face has its own degree of curvature, the arcuate portion of the temple has its own degree of curvature, the degree of curvature of the face portion substantially corresponds to the degree of curvature of the arcuate portion of the temple.

5. (Unchanged) The apparatus of claim 1, wherein:

the temple is movable between the folded configuration and the unfolded configuration without substantially deforming the temple.

6. (Unchanged) The apparatus of claim 1, wherein:

the temple is not substantially deformed when the temple is in the folded configuration.

7. (Amended) A frame for eyeglasses, comprising:

a face having an outer surface including an outer edge and having an inner surface, the face having a first end portion and a first lens opening, the outer edge being proximate to the first end portion; and

a first temple having a portion defining an inner surface, the first temple being coupled to the first end portion of the face, the first temple being movable between a folded configuration and an unfolded configuration so that the inner surface of the first temple portion can move over the outer edge of the face without obstruction and without substantially deforming the temple,

[whereby the first temple in the folded configuration is substantially adjacent to the outer side of the face and substantially located at a center region of the first lens opening]

whereby the outer surface of the face is disposed between the inner surface of the face and the first temple while in the folded configuration.

8. (Unchanged) The frame of claim 7, wherein:

the first temple is pivotably coupled to the first end portion of the face.

9. (Unchanged) The frame of claim 7, wherein:

the first temple is slidably coupled to the first end portion of the face.

10. (Unchanged) The frame of claim 7, further comprising:

a second temple being coupled to a second end portion of the face, the second temple being coupled to the second end portion of the face, the second temple being movable between a folded configuration and an unfolded configuration,

the second temple in the folded configuration is substantially adjacent to the outer side of the face and substantially located at a center region of a second lens opening of the face.

11. (Unchanged) The frame of claim 10, wherein:

the first temple has an interface portion with a concave inner side and a convex outer side, the second temple has an interface portion with a concave inner side and a convex outer side, the first temple interface portion and the second temple interface portion being substantially parallel and overlapping when the first temple and the second temple are in the folded configuration.

12. (Unchanged) The frame of claim 10, wherein:

the first temple having a portion substantially parallel with a portion of the second temple interface portion when the first temple and the second temple are in the folded configuration.

13. (Unchanged) The frame of claim 10, wherein:

the first temple interface having a portion crossed over a portion of the second temple interface portion when the first temple and the second temple are in the folded configuration.

14. (Unchanged) The frame of claim 7, further comprising:

a first lens coupled to the face within the lens opening, the first lens having an inner side and an outer side, the first lens having a center region, the temple in the folded configuration being substantially adjacent to the outer side of the first lens and substantially located at the center region of the first lens.

15. (Amended) The frame of claim 7, wherein:

the temple is pivotably coupled to the first end portion of the face for rotation about a pivot axis; and

a first angle defined between the pivot axis and a [centerline] segment line of the first end portion being less than a second angle defined between the pivot axis and a [centerline] segment line of the temple portion.

16. (Unchanged) The frame of claim 7, wherein:

the first end portion has its own degree of curvature;

the temple portion has its own degree of curvature; and

the degree of curvature of the first end portion being less than the degree of curvature of the temple portion.

22. (Amended) An apparatus, comprising:

a face having a first end portion and a lens-interface portion [adjacent to the first end portion], the lens-interface portion of the face having an inner surface and an outer surface, an elevated structure being disposed on the outer surface of the lens-interface portion of the face;

a lens being disposed within the lens-interface portion of the face, the lens having an inner side and an outer side, the lens having a center portion; and

a temple, the temple being coupled to the first end portion of the face, the temple being movable between a folded configuration and an unfolded configuration, the temple in the folded configuration being removably retained [adjacent to] by the elevated structure of the face on the outer surface of the face[,

whereby the temple in the folded configuration is substantially adjacent to the outer side of the lens and substantially located at the center portion of the lens].

23. (Unchanged) The apparatus of claim 22, wherein:

the outer surface of the lens-interface portion of the face includes bridge portion; and

the elevated structure of the face is disposed on the bridge portion of the face.

24. (Unchanged) The apparatus of claim 22, wherein:

the elevated structure of the face is disposed on the lens-interface portion of the face below the center portion of the lens.

25. (Unchanged) The apparatus of claim 22, wherein:

the elevated structure of the face is disposed on the lens-interface portion of the face above the center portion of the lens.

26. (Unchanged) The apparatus of claim 22, wherein:

the elevated structure of the face is disposed on the lens-interface portion of the face near the first end portion of the face.

27. (Amended) An apparatus, comprising:

a face having a first end portion, the first end portion including a first contact portion and a second contact portion;

a temple pivotably coupled to the first end portion of the face about a pivot axis, the temple being movable between a folded configuration and an unfolded configuration, a portion of the temple contacting the first contact portion of the face when in the unfolded configuration, the portion of the temple contacting the second contact portion of the face when in the folded configuration; and

a tension member coupled to the face and the temple, the tension member configured to bias the temple relative to the face while in one of the folded configuration and the unfolded configuration [for rotation about the pivot axis,

whereby the temple in the folded configuration is substantially adjacent to an outer side of a first lens disposed within the face and substantially located at a center portion of the first lens].

28. (Unchanged) The apparatus of claim 27, wherein:

the first contact portion of the face is substantially parallel to a first portion of the pivot axis; and

the second contact portion of the face is substantially parallel to a second portion of the pivot axis different from the first portion of the pivot axis.

29. (Unchanged) The apparatus of claim 27, wherein:

the tension member is less compressed when the portion of the temple is contacting the first contact portion of the face than when the portion of the temple is contacting the second contact portion of the face.

30. (Amended) A method for moving an apparatus between a folded configuration to an unfolded configuration, the apparatus including a face, a lens and a temple, the face having an outer surface including an outer edge, the face having a first end portion, the

outer edge being proximate to the first end portion, the lens being coupled to the face, the lens having an inner side and an outer side, the lens having a center portion, a temple having a portion defining an inner surface, the temple being pivotably coupled to the first end portion of the face, the method comprising:

pivoting the temple about the first end portion of the face and over the outer edge of the face without obstruction and without substantially deforming the temple; and

positioning the temple so that at least a portion of the outer side of the lens is disposed between a portion of the inner side of the lens and a portion of the temple [substantially at the center portion of the lens and substantially adjacent to the outer side of the lens].

31. (Unchanged) The method of claim 30, further comprising:

pivoting a second temple about a second end portion of the face and over a second outer edge of the face without obstruction; and

positioning the second temple substantially adjacent to an outer side of the face so that a second temple interface portion is substantially parallel with a first temple interface portion.

32. (Unchanged) The method of claim 30, further comprising:

pivoting a second temple about a second end portion of the face and over a second outer edge of the face without obstruction; and

positioning the second temple substantially adjacent to an outer side of the face so that a second temple interface portion is crossed over a first temple interface portion.

33. (Unchanged) The method of claim 30, further comprising:

pivoting a second temple about a second end portion of the face and over a second outer edge of the face without obstruction, the second temple having an interface portion with a concave inner side, the first temple having an interface portion with a convex outer side; and

positioning the second temple substantially adjacent to an outer side of the face so that a second temple interface portion substantially overlaps with a first temple interface portion.

34. (Amended) A method for moving an apparatus between a folded configuration and an unfolded configuration, the apparatus including a face, a lens and a temple, the face having an arcuate portion and a first end portion, the lens disposed within the face, the lens having an inner side, an outer side and a center portion, the temple having an arcuate portion, the temple being pivotably coupled to the first end portion of the face, the method comprising:

pivoting the temple about the first end portion of the face from an unfolded configuration to a folded configuration; and

positioning the temple so that at least a portion of an interior portion of the outer side of the lens is disposed between a portion of the inner side of the lens and a portion of the temple while [substantially adjacent to the outer side of the lens and substantially at the center portion of the lens when] in the folded configuration, the outer side of the lens having its own surface area, the interior portion and a center point, the interior portion having its own surface area one half of the surface area of the outer side of the lens and being centered around the center point.

35. (Unchanged) The method of claim 34, wherein:

the temple pivots about a pivot axis substantially normal to a centerline of the face portion adjacent to the pivot axis.

36. (Unchanged) The method of claim 34, wherein:

the arcuate portion of the face has its own degree of curvature, the arcuate portion of the temple has its own degree of curvature, the degree of curvature of the face portion substantially corresponds to the degree of curvature of the arcuate portion of the temple.

37. (Unchanged) The method of claim 34, wherein:

the temple is movable from the unfolded configuration to the folded configuration without substantially deforming the temple.

38. (Unchanged) The method of claim 34, wherein:

the temple is not substantially deformed when the temple is in the folded configuration.

39. (Amended) A method for moving an apparatus between a folded configuration and an unfolded configuration, the apparatus including a face, a lens and a temple, the face having an arcuate portion and a first end portion, the lens disposed within the face, the lens having an inner side, an outer side and a center portion, the temple having an arcuate portion, the temple being slidably coupled to the first end portion of the face, the method comprising:

sliding the temple through the first end portion of the face from an unfolded configuration to a folded configuration; and

positioning the temple so that the outer side of the lens is disposed between the inner side of the lens and the temple while [substantially adjacent to the outer side of the lens and substantially at the center portion of the lens when] in the folded configuration.

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